

REMARKS

Applicant appreciates the Examiner's thorough review of the Application and the indication of allowable subject matter. Reconsideration and allowance of Claims 12 – 14 are respectfully requested.

No new matter has been added by the amendments. Claim 1 has been amended to correct formal matters and overcome the rejection under 35 U.S.C. 112. New Claim 15 contains subject matter canceled from Claim 1 in order to overcome the 35 U.S.C. 112 rejection. Claim 14 has been canceled and Claim 12 has been amended to incorporate the limitations of Claim 14.

Claims 1 – 13 and 15 are now pending in the application, including independent Claims 1 and 12.

Claims 12 – 13 are patentable under 35 U.S.C. 102(b) over Murray et al. (3,976,272).

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987) (emphasis added). The absence from a prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

Claim 12 differs from Murray at least in that it teaches two different generation programs, for generating comparable control and monitoring logic programs which are loaded, after a successful identity check, in the memory of the Vital Computer Stationary Apparatus and are interfaces with the section of general procedure-oriented programs. Murray does not teach or suggest these limitations. The Examiner argues that it does, citing to a number of pages in Murray. However, Applicant can find no mention in these pages or anywhere in Murray of

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different programs performing the same function which are identity-checked before being used for generation of corresponding logic programs. These features are unique to the present invention.

If the rejection is to be maintained, Applicant respectfully requests that the Examiner specifically point out and explain how Murray reads on each required limitation of the claimed invention. As it is, Applicant is unable to determine Examiner's basis for the rejection of each of the claims in order to adequately rebut the rejections. MPEP 2141 states that: "35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so that he or she can decide how best to proceed. Clearly setting forth findings of fact and the rationale(s) to support a rejection in an Office action leads to the prompt resolution of issues pertinent to patentability."

Should the Examiner identify a way to expedite the prosecution and disposal of this Application, Applicant encourages the Examiner to call Applicant's counsel at the number given in the signature block.

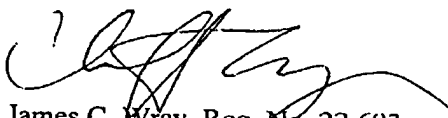
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CONCLUSION

Reconsideration and allowance of all of the claims are respectfully requested.

Respectfully,



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